

PROB 12B
(7/93)FILED
Clerk
District Court

United States District Court

for

APR - 7 2006

For The Northern Mariana Islands
By _____
(Deputy Clerk)

District of Northern Mariana Islands

Report for Modifying the Conditions or Term of Supervision
with Consent of the Offender

(Probation Form 49. Waiver of Hearings is Attached)

Name of Offender: **Joey Junior Mendiola**Case Number: **CR 02-00006-001**

Name of Sentencing Judicial Officer: Honorable Alex R. Munson

Date of Original Sentence: April 8, 2003

Original Offense: Possession of Stolen Firearms, in violation of 18 U.S.C. §§922(j) and 924(a)(2)

Original Sentence: Three years probation with the following conditions: serve six months of home detention under home confinement; not commit another federal, state, or local crime; not possess a firearm or other dangerous weapon; comply with the standard conditions of probation; refrain from any unlawful use of a controlled substance; submit to one drug test within 15 days of release from imprisonment and at least two periodic drug tests thereafter; refrain from the use of any and all alcoholic beverages; participate in a program approved by the U.S. Probation Office for the assessment and treatment of narcotic addiction or drug or alcohol dependency which will include testing for the detection of substance use or abuse; submit to a mental health intake assessment and any recommended treatment; obtain and maintain gainful employment; pay jointly and severally, with his co-defendants, the amount of \$16,908.83 in restitution to the victim; perform 300 hours of community service; continue to cooperate and give assistance to the United States Government; and pay a \$100 special assessment fee. **Modified on October 8, 2003** to reduce the amount of restitution to \$9,289.52. **Modified on March 1, 2006** to increase drug testing up to eight times per month, pursuant to U.S. v. Stephens.

Type of Supervision: Probation

Date Probation Commenced: April 8, 2003

PETITIONING THE COURT

To extend the term of probation for 6 months, for a total term 42 months.

To modify the conditions of supervision as follows:

Report for Modifying the
Conditions or Term of Supervision
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page 2

CAUSE

The defendant, Joey Junior Mendiola, has adjusted to probation sufficiently well, and is scheduled to expire on April 7, 2006. He has tried to comply with his probation conditions, however, he has been faced with many obstacles and he has tried his best to overcome them. On December 31, 2005, Mr. Mendiola's employer, STS Corporation, closed business and he was laid-off. On January 27, 2006, Mr. Mendiola's wife gave birth to their second child six weeks premature. Mr. Mendiola and his wife recently moved to a new home, and have no phone or transportation. Mr. Mendiola has been unable to complete his community service and has a balance of 37 hours. He has been compliant with all other conditions and continues to make restitution payments despite his current lack of employment.

Based on the information above, this probation officer respectfully requests that the Court extend Mr. Mendiola's term of probation by six months, pursuant to 18 U.S.C. § 3564(d). Attached is Probation Form 49, Waiver of Hearing to Modify Conditions of Probation/Supervised Release or Extend Term of Supervision, with Mr. Mendiola's consent to the extension.

Reviewed by:



ROSSANNA VILLAGOMEZ-AGUON

U.S. Probation Officer
Supervision Unit Leader

Date: 4/7/06

THE COURT ORDERS

- No Action
- The Extension of Supervision as Noted Above.
- The Modification of Conditions as Noted Above.
- Other

Respectfully submitted,



by: MELINDA N. BRUNSON

U.S. Probation Officer

Date: 4/7/06

Signature of Judicial Officer

4-7-06

DATE

United States District Court

U.S. District Court District Northern Marianas Islands

**Waiver of Hearing to Modify Conditions
of Probation/Supervised Release or Extend Term of Supervision**

I have been advised and understand that I am entitled by law to a hearing and assistance of counsel before any unfavorable change may be made in my Conditions of Probation and Supervised Release or my period of supervision being extended. By "assistance of counsel," I understand that I have the right to be represented at the hearing by counsel of my own choosing if I am able to retain counsel. I also understand that I have the right to request the court to appoint counsel to represent me at such a hearing at no cost to myself if I am not able to retain counsel of my own choosing.

I hereby voluntarily waive my statutory right to a hearing and to assistance of counsel. I also agree to the following modification of my Conditions of Probation and Supervised Release or to the proposed extension of my term of supervision:

- I agree that my term of probation will be extended by six months and will expire on September 7, 2006.

Witness Melinda N. Brunson
U.S. Probation Officer

Signed Joey Junior Mendiola
Probationer or Supervised Releasee

4/5/06
Date